

REMARKS

The examiner has rejected claim 1, the independent claim, under 35 USC 103 as being unpatentable over Farber in view of Lipton, and under 35 USC 112, second paragraph, as being indefinite.

In a series of telephonic interviews with the examiner during the week of July 24-28, 2006, the examiner presented an amended claim 1 that he indicated was allowable over Farber and Lipton (and that met the requirements of 35 USC 112, second paragraph). The amendments made herein to claim 1 incorporate, with one very small change, exactly the amendments that the examiner indicated would make claim 1 allowable. (Applicant does not agree that the claim, prior to amendment, is unpatentable, and reserves the right to pursue the unamended claim, or another claim broader than the amended claim, in a continuation application.)

The small change to claim 1 from what the examiner indicated was allowable is shown in the following text quoted from the claim, where the change is shown in underscoring:

associating the deposited data item with an access authorization credential which is uniquely associated with the depositing client program or with a data repository user

Adding the language, "or with a data repository user," makes claim 1 more consistent with the language of original claim 10, from which this limitation derives. The limitation in claim 10 read as follows:

... access-authorization credentials, each of which is uniquely associated with a particular user or client program

Accordingly, claim 1 is believed to be in condition for allowance. Should the examiner continue to have questions about claim 1, he is asked to telephone the undersigned, so that this prosecution can – finally – be brought to a conclusion.

Amendments have also been made to the dependent claims to make their language consistent with the amendments to claim 1. At the end of the week of July 24-28, following agreement being reached on the patentability of claim 1, an amendment to the dependent claims

was faxed to the examiner. The examiner indicated then that the number of changes made to the dependent claims, and the sheer number of the dependent claims, prevented him from completing his review of the claims, and accounted for his not issuing a notice of allowance at that time. In the interest of simplifying the application so that prosecution can be brought to a conclusion, we have greatly reduced the number of dependent claims, and kept to a minimum the changes to the claims. Only 36 dependent claims are now on file. Of that number, only 3 are new with this amendment.

There is support in the original application for all of the amendments made to the dependent claims. The following table provides references to some of the paragraphs of the specification at which there is support for the amendments (claims not mentioned in the table have only the most minor amendments):

<u>Claim</u>	<u>Supporting paragraphs in specification</u>
7	0048, 0081
8	0088
10	last sentence of 0063
12	first two sentences of 0085
20	0138
29	0137, 0139
33	0050
38	0050
40	0101
60	0063
66	0068
67	0103
191	0063
192	0051, 0167, 0104

We also address here a few of the amendments made to the dependent claims, where we think discussion is appropriate.

Claim 7 has been amended to clarify its language. Support for the amended claim can be found in paragraph 0048 of the application as filed ("independent client programs encrypt the same data-item in the same manner").

The examiner may feel that claim 10 has been absorbed into claim 1, and should therefore be canceled, but in claim 1 we explicitly address a single deposit. Claim 10 addresses a single data item being associated with many named objects.

Claim 40 has been amended to add the phrase, "proprietary information". Support for this amendment can be found in second to last sentence of paragraph 0068 of the application as filed ("By including a user-identifying token as a necessary part of the access-authorization credential 3b, the unauthorized broadcasting of access to proprietary data can be discouraged").

Claim 44 has been amended to include limitations originally found in claims 45 and 46.

Support for new claim 192 can be found at paragraphs 0051, 0167, and 0104 of the application as filed. The application discusses interaction between clients and the repository as being based on a communication protocol in paragraphs 0051 and 0167. The last sentence of paragraph 0104 indicates that "the normal repository query protocol will discover which pieces have already been deposited".

The examiner has rejected claim 178 under 35 USC 112, first paragraph, as failing to meet the written description requirement. The examiner's position is that the limitation, "physical storage nodes linked by a network" was not described in the original application. The examiner indicates that the expression, "physical storage nodes," does not have proper antecedent basis in the specification. Applicant does not agree with the examiner, but has amended claim 178 to replace "physical storage nodes" with "data servers," a term used in the specification. A person skilled in the art would understand immediately what is meant by "physical storage nodes." The same is true for "data servers". Support for claim 178 can be found at paragraph 0045 of the application:

The envisioned data repository consists of a set of data storage devices connected to the Internet, along with the hardware and software that link them together. These storage devices are arranged in groups at widely separated geographical locations, in order to minimize the impact of localized disasters, and to also minimize network congestion.

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Additional support is found at paragraph 0061:

Since datanames are obtained using a cryptographic hash, they provide a natural source of pseudo-randomness to help divide the data-service work evenly among data-servers. [...] Similarly, access identifiers are pseudo-random, and this can be used to help split up repository named-object information evenly among data-servers.

Accordingly, the dependent claims are believed to be in condition for allowance. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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